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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,963	03/12/2004	Mo-Han Fong	NRT.0121US (16634RRUS02U)	9041

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EXAMINER	
GONZALEZ, AMANCIO	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
11/12/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/799,963	FONG ET AL.	
	Examiner	Art Unit	
	AMANCIO GONZALEZ	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 July 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8,10,12,13,15 and 17-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8, 10, 12, 13, 15, and 17-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-8, 10, 12, 13, 15, and 17-29, filed on 07/16/2009, have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negative by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or no obviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claims 1-8, 10, 12, 13, 15, and 17-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bae et al. (US 20020181410 A1), hereafter "Bae," in view of Kadaba et al. (US 20020172217 A1), hereafter "Kadaba."

Consider **claim 1.** Bae discloses:

in a wireless communications network **(see the title, the abstract, and par. 0003),**

communicating data with plural mobile stations over a wireless link **(see par. 0006 lines 10-14, and par. 0021)**; and

sending a broadcast message to the plural mobile stations, the broadcast message containing an indication for indicating to the plural mobile stations that the mobile stations are to change data rates for transmissions over a reverse wireless link **(see par. 0008 lines 13-21, and par. 0021).**

However, Bae does not particularly refer to or disclose wherein the broadcast message further includes a particular data rate that is to be used by the plurality mobile stations over the reverse wireless link.

Kadaba, in related art, discloses and embodiment in which the Forward Uplink Scheduling Channel (F-USCH) identifies the wireless unit that is to transmit at the prescribed time and specifies the transmission format unambiguously; and, in the context of this system, the transmission format consists of the size of the transmission

(in bits), *the rate at which the transmission is to occur (in bits per second)*, and the duration of the transmission (in seconds).

Therefore, it is obvious that a person of ordinary skill was aware that broadcasting a particular data rate to be used by a plurality of mobile stations over the reverse wireless link was of common knowledge in the art at the time the invention was made, and have it included in, or combined with Bae's invention, thus providing means for the purpose of controlling reverse transmission in a mobile communication system, as discussed by Kadaba **(see paragraph 0003)**.

Consider **claims 2, 3, 7, 15, and 27**. Bae, as modified by Kadaba, teaches claims 1 and 26, and Kadaba further discloses grant message containing data rate assignment and a CDMA system (see Kadaba: paragraphs 0009, 0010, 0012, and 0035).

Consider **claims 4 and 28**. Bae, as modified by Kadaba, teaches claims 2 and 27; and Kadaba further discloses wherein sending the grant message comprises sending a grant message containing an identifier, the identifier settable to a first value to uniquely identify one of the plural mobile stations, and the identifier settable to a predetermined value to provide a broadcast indication for indicating to the plural mobile stations that the mobile stations are to change data rates for transmissions over the reverse wireless link (see Kadaba: paragraph 0035).

Consider **claims 5 and 6**. Bae, as modified by Kadaba, teaches claim 4; and Kadaba further discloses MAC ID settings (see Kadaba: paragraph 0035).

Consider **claims 8 and 25**. Bae as modified by Kadaba teaches claims 7 and 20; and Kadaba further discloses a shared resources system and mobile ID assignment (see Kadaba: Abstract, paragraphs 0008, 0012, and 0035, where Kadaba discusses scheduling grants to individual wireless units).

Consider **claim 10.** Bae discloses:

in a wireless communications network **(see the title, the abstract, and par. 0003),**

communicating data with plural mobile stations over a wireless link **(see par. 0006 lines 10-14, and par. 0021)**; and

sending a broadcast message to the plural mobile stations, the broadcast message containing an indication for indicating to the plural mobile stations that the mobile stations are to change data rates for transmissions over a reverse wireless link **(see par. 0008 lines 13-21, and par. 0021).**

But Bae does not particularly refer to or disclose verbatim wherein sending the broadcast message to the plural mobile stations comprises sending the broadcast message to cause the plural mobile stations to set respective data rates to a value less than or equal to an autonomous data rate of each of the corresponding mobile stations, wherein the autonomous data rate is useable by the corresponding mobile station operating in autonomous mode in which the corresponding mobile station is able to transmit data over the reverse wireless link without being scheduled **(see paragraph 0088)**.

However, Kadaba, in related art discusses wherein wireless units can operate in an autonomous mode under base station supervision with wireless unit transmission rate control; wherein the second half of the F-UCACH frame can be used for transmission of up-down commands to the wireless units that choose the autonomous mode; and wherein fully autonomous operation can be provided and restricted to the transmission of 384 bit packets (when buffer size is less than 384 bits) at a low rate of 9.6 kbps.

Therefore, it is obvious that a person of ordinary skill was aware that sending the broadcast message to the plural mobile stations to cause the plural mobile stations to set respective data rates to a value less than or equal to an autonomous data rate of each of the corresponding mobile stations, wherein the autonomous data rate is useable by the corresponding mobile station operating in autonomous mode in which the corresponding mobile station is able to transmit data over the reverse wireless link without being scheduled was of common knowledge in the art at the time the invention was made; then have it included in, or combined with Bae's invention, thus providing means for the purpose of controlling reverse transmission in a mobile communication system, as discussed by Kadaba **(see paragraph 0003)**.

Kadaba, in related art, discloses and embodiment in which the Forward Uplink Scheduling Channel (F-USCH) identifies the wireless unit that is to transmit at the prescribed time and specifies the transmission format unambiguously; and, in the context of this system, the transmission format consists of the size of the transmission

(in bits), *the rate at which the transmission is to occur (in bits per second)*, and the duration of the transmission (in seconds).

Therefore, it is obvious that a person of ordinary skill was aware that broadcasting a particular data rate to be used by a plurality of mobile stations over the reverse wireless link was of common knowledge in the art at the time the invention was made, and have it included in, or combined with Bae's invention, thus providing means for the purpose of controlling reverse transmission in a mobile communication system, as discussed by Kadaba **(see paragraph 0003)**.

Consider **claim 12**. Bae, as modified by Kadaba, teaches claim 8; and Bae further discloses changing data rates for transmissions back to the base station (see Bae: par. 0008 lines 13-21, and par. 0021).

Consider claim 13. Bae discloses:

an article comprising at least one storage medium containing instructions that when executed cause a system in a wireless communications network to **(see the abstract and paragraph 0033, where Bae discusses a base station and a mobile station to perform the functions described in the invention, which comprise at least one storage medium)**:

communicate data with plural mobile stations over a wireless link **(see par. 0006 lines 10-14, and par. 0021: Bae discusses wherein a base station communicates with a plurality of access terminal (ATs))**; and

sending a message to the plural mobile stations, the message containing an identifier (*identifier* reads on *Reverse Activity Bit (RAB)* **-see par. 0008 lines 13-21, and par. 0021)).**

But Bae does not disclose sending a grant message, or an explicit identifier set to a first value to uniquely identify one of the plural mobile stations, and the identifier set to a predetermined value to provide a broadcast indication for indicating to the plural mobile stations that the mobile stations are to change data rates for transmissions over a reverse wireless link.

Kadaba, in related art, discloses sending a grant message **(see paragraph)** and an embodiment in which the Forward Uplink Scheduling Channel (F-USCH) identifies the wireless unit that is to transmit at the prescribed time and specifies the transmission format unambiguously; and, in the context of this system, the transmission format consists, in part, of *the rate at which the transmission is to occur (in bits per second)*; and scheduling grants to individual wireless units every 2.5 ms through the F-USCH, which contains a wireless unit identification (MAC ID) and an encoder packet format (EPF) field which is a 4 bit index into the Reverse Link (RL) rate/encoder packet lookup table.

Therefore, it is obvious that a person of ordinary skill was aware that sending a grant message, as well as setting to a first value to uniquely identify one of the plural mobile stations, and the identifier set to a predetermined value to provide a broadcast indication for indicating to the plural mobile stations that the mobile stations are to change data rates for transmissions over a reverse wireless link was of common

knowledge in the art at the time the invention was made, and have it included in, or combined with Bae's invention, thus providing means for the purpose of controlling reverse transmission in a mobile communication system, as discussed by Kadaba **(see paragraph 0003)**.

Consider **claims 17 and 18**. Bae as modified by Kadaba teaches claim 13; and Bae further discloses changing data rates for transmissions back to the base station (see par. 0008 lines 13-21, and par. 0021).

Consider **claim 19**. Bae as modified by Kadaba teaches claim 13; and Kadaba further discloses broadcasting information for incrementing or decrementing data rates of the plural mobile stations (see Kadaba: paragraph 0007).

Claims 20 and 26 are directed to apparatuses, mobile station and base station respectively, that execute the method of claim 1; therefore, same rejection rationale applies.

Claim 21 is directed to an apparatus, mobile station that executes the method of claim 10; therefore, same rejection rationale applies.

Consider **claim 22**. Bae, as modified by Kadaba, teaches claims 21; and Kadaba further discloses autonomous transmitting mode (see Kadaba: the abstract, and paragraph 0011).

Consider **claims 23 and 24**. Bae, as modified by Kadaba, teaches claim 20; and Bae further discloses indicating data rate to mobile stations (see Bae: the abstract, pars. 0008-0011).

Consider **claim29**. Bae as modified by Kadaba teaches claim 6; and Kadaba further discloses sending grant messages and indicating data rate to mobile stations (see the abstract, paragraph 0035).

Conclusion

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Delany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Ajaccio Gonzalez, whose telephone number is (571)

270-1106. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Dwayne Boost, can be reached at (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028?

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

AG/ag

November 6, 2009

/Dwayne D. Bost/
Supervisory Patent Examiner,
Art Unit 2617